Application No. 10/773,370



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicant** 

: Robert M. Schumacher et al.

Group Art Unit: 2176

Appl. No.

: 10/773,370

Examiner: Bashore

Filed

: February 6, 2004

For

: STRUCTURED DOCUMENT BROWSER

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents U.S. Patent and Trademark Office Customer Service Window, Mail Stop Amendment Randolph Building 401 Dulany Street Alexandria, VA 22314

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98 and further to the Information Disclosure Statement filed May 11, 2005, Applicants hereby bring the following additional information to the Examiner's attention.

Applicants express appreciation for the courtesies extended by Examiner Bashore during a December 13, 2006 telephone conversation. During this telephone conversation, the undersigned once again indicated that this continuation application claims priority from two patents which are the subject of pending reexamination proceedings, i.e., Reexamination Control No. 90/006,633 based upon U.S. Patent No. 5,933,841, and Reexamination Control No. 90/006,634 based upon U.S. Patent No. 6,442,574. The undersigned indicated that the present Supplemental Information Disclosure Statement makes of record information cited in the reexamination proceedings. Examiner Bashore indicated that additional copies of the documents need not be submitted as they can be obtained from the reexamination proceedings which will be reviewed by the examiner. The undersigned therefore indicated that this Supplemental

Information Disclosure Statement would be submitted without resubmitting copies of documents. Moreover, the undersigned once again indicated that if any information is needed by the examiner when the application is taken up for action, including any cited documents, the undersigned can be contacted at the below-listed telephone number.

The following information has been made of record in Information Disclosure Statements filed in the Reexamination Control Nos. 90/006,633 and 90/006,634, including Information Disclosure Statements filed July 14, 2005 and August 25, 2006.

U.S. Patent No. 5,551,040 to Blewett

U.S. Patent No. 5,717,877 to Orton et al.

Kirk et al., The Information Manifold, Proceedings of the AAAI Spring Symp. on Information Gathering from Heterogeneous, Distributed Environments, Stanford University, Stanford, California, 1995, 7 pages.

Business Telephone, Interactions, January 1995, Pages 33-41.

Puttress et el., The Toolkit Approach to Hypermedia, Hypertext: Concepts, Systems and Applications. Proceedings of the First European Conference on Hypertext, Versailles, France, 27-30 Nov. 1990, pages 25-37.

Davison et al., "A Visual Interface for a Database with Version Management", ACM Transactions on Office Information Systems, Vol. 4, No. 3, July 1986, pages 226-256.

Agrawal et al., "OdeView: The Graphical Interface to Ode", 1190 ACM Sigmod International Conference on Management of Data, Atlantic City, NJ, USA 23-25 May 1990, pages 34-43, Accession Number: 3743846.

Helfman, "Panther: A Specification System for Graphical Controls", SIGCHI Bulletin: 279-84, Accession No. 3100283, CHI + GI 1987, Conference Human Factors in Computing

Systems and Graphics Interface, Toronto, Ont., Canada, 5-9 April 1987, ACM; Canadian Inf. Process. Soc.; Human Factors Soc.

Fred Douglis et al., "WebGUIDE: Querying and Navigating Changes in Web Repositories", <a href="http://www.research.att.com/projects/AIDE/external/www5/(1 of 16">http://www.research.att.com/projects/AIDE/external/www5/(1 of 16)</a>, downloaded 4/27/2006.

Anderson et al., "Rapid Prototyping Tools for Telecommunications Applications", Applied Computing: Technological Challenges of the 1990's. Proceedings of the 1992 ACM/SIGAPP Symposium on Applied Computing: 46-51, 1992, edited by Berghel et al.

Screen shots (1 page) apparently from about 1993 relating to Xtent specification based graphics work from 1991 given as part of a Usenix presentation, and apparently involving work first submitted in 1991.

Blewett et al., X Widget Based Software Tools for UNIX\*\*, Proc. of the Winter 1992 USENIX Conference, San Francisco, California, Pages 111-124. A 13 page printout of similar material is provided herewith.

Blewett et al., Xtent Release 3.2: A Messaging Protocol and Specification Language for X\* Toolkit Based Applications, 1994, 152 pages.

Ahuja et al., "A Comparison of Application Sharing Mechanisms in Real-Time Desktop Conferencing Systems", SIGOIS Bulletin: 238-48, 1990.

C. Douglas Blewett, Tabs 2.0 Manual: Tools for Creating Window Based Electronic Forms, April 21, 1985, 108 pages.

Cunningham et al., "Graphical Interfaces for Network Operations and Management", AT&T Technical Journal from May/June 1993, Vol. 72, No. 3, pp 57-66.

Baldasare, "Designing Easy-To-Use Online Doucmentation Systems", AT&T Technical Journal from May/June 1993, Vol. 72, No. 3, pp 67-74.

Opaluch et al., "Ten Ways to Improve Usability Engineering-Designing User Interfaces for Ease of Use", AT&T Technical Journal from May/June 1993, Vol. 72, No. 3, pp 75-88.

List of documents and abstracts, 20 pages.

Perkins, "The Interchange(tm) Online Network: Simplifying Information Access",

Proceedings of the SIGCHI Conference on Human Factors In Computing Systems, Denver,

Colorado, May 7-11, 1995. Conference on Human Factors in Computing Systems. ACM Press/

Addison-Wesley Publishing Co., NY, 558-565. (Downloaded on April 16, 2006 from

<a href="http://www.acm.org/sigchi/chi95/Electronic/documnts/dsgbreif/rdp\_byd.htm">http://www.acm.org/sigchi/chi95/Electronic/documnts/dsgbreif/rdp\_byd.htm</a>.

Schumacher, Jr., Ameritech Graphical User Interface Standards and Design Guidelines, AMERITECH STANDARDS FOR INFORMATION SYSTEMS, Published by Ameritech Services, Inc., IS: 14-100, ARCHITECTURE RELATED STANDARDS, AMERITECH GRAPHICAL USER INTERFACE STANDARDS AND DESIGN GUIDELINES, 198 pages, Copyright Ameritech, Inc., 1992, 1993, 1994, 1995, 1996.

Schumacher, Jr., Ameritech Graphical User Interface Standards and Design Guidelines, AMERITECH STANDARDS FOR INFORMATION SYSTEMS, Published by Ameritech Services, Inc., IS: 14-100, ARCHITECTURE RELATED STANDARDS, AMERITECH GRAPHICAL USER INTERFACE STANDARDS AND DESIGN GUIDELINES, 202 pages, Copyright Ameritech Services, Inc., 1992.

Microsoft®Windows Version 3.1, The Windows<sup>TM</sup> Interface An Application Guide, 1992, pages through xi, and 1-228.

Apple®, Human Interface Guidelines: The Apple Desktop Interface, 1987, pages though xii, and 1-144.

IBM, Systems Application Architecture, Common User Access Advanced Interface Design Reference, 1991, pages through xii and 1-401.

Edelstein, A proposal for addition to HTML 3.0: Frames, message dated September 18, 1993, 8 pages, downloaded on April 20, 2006 from <a href="http://lists.w3.org/Archives/Public/www-html/1995Sep/0034.html">http://lists.w3.org/Archives/Public/www-html/1995Sep/0034.html</a>.

WWW-Talk Oct-Dec 1994: Frames & WWW, a chain of messages totaling 61 pages downloaded on April 28, 2006, from site <a href="http://webhistory.org/www.lists/www-talk.1994q4/0658.html">http://webhistory.org/www.lists/www-talk.1994q4/0658.html</a> (with further sites including 0663-0666, 0673, 0675, 0677, 0681, 0682, 0684, 0687, 0700, 0701, 0707, 0711, 0712, 0727, 0731-0733, 0739, 0744, 0745, 0747, 0752. 0754, 0762, 0763, 0766, 0768, 0771 and 0802).

Those little yellow boxes, a chain of 8 messages downloaded on August 17, 2006 from Google Groups, from site (with a version including clearer text downloaded on August 16, 2006 wherein the complete site information was not copied)

http://groups.google.com/group/comp.os.ms-

windows.apps/browse\_thread/thread/aaf0061c7110fc21/9be4057c4daff900?lnk=st&q=flyby+hin ts+buttons&rnum=11&hl=en#9be4057c4daff900

A CD ROM including two folders thereon labeled "Disk 1" and "Disk 2" containing a computer tutorial "Introduction to RDA" that provides interactive representation as to the functionality of the structured document browser. The CD ROM is accompanied by copies of labels from Disk 1 and Disk 2 (with dates redacted) from which disk the two folders were copied onto the CD ROM with the file date (which file date is more than one year before the effective

filing date of the present application) being modified to the current date. Patent Owner notes that screen shots from this tutorial were previously submitted as Exhibit C with the Information Disclosure Statements filed January 23, 2004 in the reexaminations in discussing activities more than one year before the effective filing date of the application, and in the Information Disclosure Statement in this application.

Exhibit 1 containing screen shots (labeled Figures 1-29) submitted as part of a Second Supplemental Declaration Under 37 C.F.R. § 1.131 on July 14, 2005 in the reexamination proceedings including screen shots from the above-noted computer tutorial being submitted on the CD ROM. It is noted that these screen shots include additional screen shots to Exhibit C submitted with the Information Disclosure Statements on January 23, 2004 in the reexaminations, and included as Exhibit 2 with the Supplemental Declaration Under 37 C.F.R. § 1.131 filed March 9, 2005 in the reexamination proceedings. Due to the interactive nature of the computer tutorial, it is noted that it is impractical to produce a screen shot of each and every possible display. However, reference is made to the computer program included on the above-noted CD ROM in which various screens are accessible by running the computer program.

Quick Reference Guide to RDA (dated 5/95) submitted as Exhibit 2 as part of a Second Supplemental Declaration Under 37 C.F.R. § 1.131 on July 14, 2005 in the reexamination proceedings.

Quick Reference for RDA Workflow (with date redacted) submitted as Exhibit 3 as part of a Second Supplemental Declaration Under 37 C.F.R. § 1.131 on July 14, 2005 in the reexamination proceedings.

Exhibit 4 submitted as part of a Second Supplemental Declaration Under 37 C.F.R. § 1.131 on July 14, 2005 in the reexamination proceedings. It is noted that this same document

was previously submitted with the Declaration Under 37 C.F.R. § 1.131 filed July 26, 2004 as Exhibit 1, and with the Supplemental Declaration Under 37 C.F.R. § 1.131 filed March 9, 2005 as Exhibit 1 in the reexamination proceedings.

"Writer's Guide for Reference Delivery Automation (RDA) submitted with Declaration Under 37 C.F.R. 1.131", which was submitted as Exhibit 2 with the Supplemental Declaration Under 37 C.F.R. § 1.131 filed March 9, 2005 in the reexamination proceedings.

The following documents are newly-cited by the Examiner in the Final Office Actions mailed March 6, 2006 in connection with the reexamination proceedings. The Final Office Actions were vacated in the Decisions Dismissing Petition for Withdrawal of Premature Final Rejection mailed May 26, 2006, and following submissions by Patent Owner a Notice of Intent to Issue Reexamination Certificate has been mailed in each of the reexamination proceedings.

- U.S. Patent No. 5,500,929 to Dickinson
- U.S. Patent No. 5,629,846 to Crapo
- U.S. Patent No. 5,838,906 to Doyle et al.

The following documents are also cited by the Examiner in the Final Office Actions mailed March 6, 2006 in the reexamination proceedings but are not listed on the Form PTO-1449, because these documents are already of record.

- U.S. Patent No. 5,392,387 to Fitzpatrick et al.
- U.S. Patent No. 5,432,903 to Frid-Nielsen
- U.S. Patent No. 5,572,643 to Judson
- U.S. Patent No. 5,623,679 to Rivette et al.

Applicants hereby note the following information relating to continuing applications of which U.S. Patent No. 5,933,841 and 6,442,574 are parent applications. In particular, Applicants

note that there are five continuation applications. One continuation application, i.e., the present Application No. 10/773,370, filed February 6, 2004 (published as US 2005/0039109 A1 on February 17, 2005, and published as US 2005/0204275 A2 on September 15, 2005), is a continuation of Application No. 10/214,442, filed August 7, 2002, now abandoned (published as US 2003/0079181 A1 on April 24, 2003), which is a continuation of Application No. 09/304,425, filed April 29, 1999, which matured into Patent No. 6,442,574 (subject of Reexamination Proceeding Control No. 90/006,634), which is a continuation of Application No. 08/649,271, filed May 17, 1996, which matured into Patent No. 5,933,841. Each of the other four continuation applications, i.e., U.S. Application Nos. 11/126,692 (published as US 2005/0210377 A1 on September 22, 2005), 11/126,718 (published as US 2005/0210378 A1 on September 22, 2005), 11/126,840 (published as US 2005/0216863 A1 on September 29, 2005) and 11/126,865 (published as US 2005/0216849 A1 on September 29, 2005), was filed May 11, 2005 and is a continuation of the present application, i.e., Application No. 10/773,370, through which priority is claimed to the 5,933,841 patent.

Applicants further note that Non-Final Office Actions have been mailed in Application No. 11/126,718 on February 27, 2006, Application No. 11/126,692 on February 27, 2006, and Application No. 11/126,840 on February 23, 2006.

Applicant note that the following document is newly-cited in each of the three Non-Final Office Actions, and claims in each of the continuation applications are rejected over this document:

Ernst, Warren, Using Netscape, March 23, 1995, QUE Corporation, pages 1-3 and 23-59.

As each of the continuation applications is electronically available, Applicants are not submitting copies of the Office Actions from the continuation applications, but refer the

Examiner to the files at the Patent and Trademark Office. Of course, if the Examiner cannot view the files at the Patent and Trademark Office and/or would like to have copies of any documents forwarded, the Examiner is requested to contact the undersigned.

Applicants further note that each of Application Nos. 11/126,718, 11/126,692 and 11/126,840 has been abandoned, without prejudice or disclaimer, for failure to respond to the Office Actions by the inextendible due date. Moreover, a Petition to Suspend Action by the Office Under 37 C.F.R. 1.103 has been filed in Application No. 11/126,865 on August 17, 2006, and has been granted.

In Applicants' Information Disclosure Statement, Applicants noted certain activities in connection with development of a structured document browser more than one year prior to the effective filing date of this application. Upon further review, additional information is being submitted herewith relating to these activities.

Applicants note that the Information Disclosure Statement indicates that during the end of 1994, Ameritech Services, Inc. entered into a paid consulting agreement with LDS contemplating that LDS would assist in development of a custom browser that complied with Ameritech's specifications and made use of some existing EBT software for use in incremental trials in the development of Applicants' system. Applicants direct the Examiner's attention to an Engagement Letter pursuant and subject to a Master Consulting Agreement, which sets forth services to be provided by LDS with the Master Agreement including a statement of the intellectual property rights. These items were submitted with the Information Disclosure Statements filed August 25, 2006 in the reexamination proceedings, with the Engagement Letter being submitted as Exhibit G (with dates redacted) and a portion of the Master Consulting Agreement pertaining to Intellectual Property (pages 7 and 8) being submitted as Exhibit H.

With regard to the services provided by LDS, Applicants hereby clarify that during the beginning of 1995, structured document browser software was received from LDS for evaluation and testing. This software was subjected to initial testing by the inventors, and based upon satisfaction with the ability of the software to perform its intended function, the structured document browser was subjected to expanded testing. In other words, the preliminary, initial testing of the software indicated that it was at least sufficiently operable so that the planned expanded testing necessary to determine whether it would work for its intended purpose could proceed.

With regard to the 20 pages of lists of documents and abstracts, the Examiner is respectfully requested to review this list. After reviewing the list, if the Examiner would like to review any additional information in association with the list, the Examiner is requested to contact the undersigned to discuss the same.

Applicants respectfully request that the Examiner consider the above information. The Examiner is therefore requested to initial the appropriate spaces on the attached Form PTO-1449 and to forward a copy of the initialed Form PTO-1449 with the next communication in the present proceeding to confirm the Examiner's consideration of both the present disclosure statement and the information contained herein.

The filing of this Information Disclosure Statement does not constitute an admission that the information cited herein is, or is considered to be, prior art or material to patentability as defined in 37 C.F.R. § 1.56.

This Supplemental Information Disclosure Statement is being filed prior to mailing of a first action on the merits. Therefore, a fee should not be necessary for consideration of this disclosure statement and the information cited therein. However, if any fee is necessary, including any fee under 37 C.F.R. 1.17(p), authorization is hereby provided to charge any required fee to Deposit Account No. 19-0089.

Should the Examiner have any questions and/or desire any additional information, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted, Robert M. Schamacher et al.

Amold Turk Reg. No. 33,094

December 20, 2006 Greenblum & Bernstein, P.L.C. 1950 Roland Clarke Place Reston, VA 20191 (703) 716-1191

FORM PTO-	1449	U.S. Department of Commerce Patent and Trademark Office														Application No. 10/773,370			
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	2	Business Telephone, Interactions, January 1995, Pages 33-41.																	
	Puttress et el., The Toolkit Approach to Hypermedia, Hypertext: Concepts, Systems Applications. Proceedings of the First European Conference on Hypertext, Versailles, France, 30 Nov. 1990, pages 25-37.																		
	Davison et al., "A Visual Interface for a Database with Version Management", ACM Transaction Office Information Systems, Vol. 4, No. 3, July 1986, pages 226-256.										ransactions on								
	5	Agrawal et al., "OdeView: The Graphical Interface to Ode", 1190 ACM Sigmod International Conference on Management of Data, Atlantic City, NJ, USA 23-25 May 1990, pages 34-43, Accession Number: 3743846.																	
	Helfman, "Panther: A Specification System for Graphical Controls", SIGCHI Bulletin: 279 Accession No. 3100283, CHI + GI 1987, Conference Human Factors in Computing Systems Graphics Interface, Toronto, Ont., Canada, 5-9 April 1987, ACM; Canadian Inf. Process. Signal Human Factors Soc.											g Systems and							
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<ul> <li>Screen shots (1 page) apparently from about 1993 relating to Xtent specification base work from 1991 given as part of a Usenix presentation, and apparently involving submitted in 1991.</li> <li>Blewett et al., X Widget Based Software Tools for UNIX*, Proc. of the Winter 199 Conference, San Francisco, California, Pages 111-124. A 13 page printout of similar reincluded herein.</li> </ul>																			
	11	Blewett et al., Xtent Release 3.2: A Messaging Protocol and Specification Language for X Toolkit Based Applications, 1994, 152 pages.																	
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		OTHER DOCUMENTS (Including Author, Title,	Date, Pertinent Pages, Etc.)									
	13	C. Douglas Blewett, Tabs 2.0 Manual: Tools for Creating Window Based Electronic Forms, 7 1985, 108 pages.										
	14	Cunningham et al., "Graphical Interfaces for Network Operations and Management", Technical Journal from May/June 1993, Vol. 72, No. 3, pp 57-66.										
	15	Baldasare, "Designing Easy-To-Use Online Dou May/June 1993, Vol. 72, No. 3, pp 67-74.	cmentation Systems", AT&T	Technical Journal from								
	16	Opaluch et al., "Ten Ways to Improve Usability Use", AT&T Technical Journal from May/June 1										
	17	List of documents and abstracts, 20 pages.										
	18	Perkins, "The Interchange(tm) Online Network: Simplifying Information Access", Proceedings of the SIGCHI Conference on Human Factors In Computing Systems, Denver, Colorado, May 7-11, 1995 Conference on Human Factors in Computing Systems. ACM Press/ Addison-Wesley Publishin Co., NY, 558-565. (Downloaded on April 16, 2006 from <a href="http://www.acm.org/sigchi/chi95/Electronic/documnts/dsgbreif/rdp">http://www.acm.org/sigchi/chi95/Electronic/documnts/dsgbreif/rdp</a> byd.htm.										
	19	Schumacher, Jr., Ameritech Graphical User Interface Standards and Design Guidelines, AMERITECH STANDARDS FOR INFORMATION SYSTEMS, Published by Ameritech Services, Inc., IS: 14-100, ARCHITECTURE RELATED STANDARDS, AMERITECH GRAPHICAL USER INTERFACE STANDARDS AND DESIGN GUIDELINES, 198 pages, Copyright Ameritech, Inc., 1992, 1993, 1994, 1995, 1996.										
	20	Schumacher, Jr., Ameritech Graphical User Interface Standards and Design Guidelines AMERITECH STANDARDS FOR INFORMATION SYSTEMS, Published by Ameritech Services Inc., IS: 14-100,ARCHITECTURE RELATED STANDARDS, AMERITECH GRAPHICAL USEF INTERFACE STANDARDS AND DESIGN GUIDELINES, 202 pages, Copyright Ameritech Services, Inc., 1992.										
	21	Microsoft®Windows Version 3.1, The Window through xi, and 1-228.	on Guide, 1992, pages									
	22	Apple®, Human Interface Guidelines: The Apple Desktop Interface, 1987, pages though xii, ar 144.										
	23	IBM, Systems Application Architecture, Common User Access Advanced Interface Design Reference, 1991, pages through xii and 1-401.										
	24	Edelstein, A proposal for addition to HTML 3.0: Frames, message dated September 18, 1993, 8 pages, downloaded on April 20, 2006 from <a href="http://lists.w3.org/Archives/Public/www-html/1995Sep/0034.html">http://lists.w3.org/Archives/Public/www-html/1995Sep/0034.html</a> .										
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	28	Exhibit G: Engagement Letter															
	29	Ex	hibi	tH:	Ма	ster	Cor	sult	ing Agreeme	ent pertair	ning to Inte	ellectua	al Prop	erty, <sub>I</sub>	pages 7-	8.	
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		associated with a computer tutorial "Introduction to RDA".											
	2	Exhibit 1 containing screen shots (labeled Figures 1-29).											
	3	Exhibit 2 - Quick Reference Guide to RDA (dated 5/95).											
	4	Exhibit 3 - Quick Reference	e for RDA W	orkflow.									
	5	Exhibit 4 submitted with Second Supplemental Declaration under 37 C.F.R. 1.131.											
	6	"Writer's Guide for Referer	nce Delivery	Automati	on (RDA) s	submitted w	ith De	claration	Under 37	<u> </u>			
		C.F.R. 1.131".											
EXAMINER				DA	TE CONSI	DERED							
		citation considered, whether							ne throug	h citation			
IT not in confo	rmance	and not considered. Include	e copy of thi	s form wi	th next con	nmunication	i to ap	plicant.	_				